

**MILITARY INSTALLATION DEVELOPMENT AUTHORITY
Design Review Committee Meeting
June 17, 2025**

STAFF REPORT

Agenda Item: #6

**Prepared and
Reviewed By:** Richard Catten, DRC Counsel

Project: MIDA MRF Standards and Guidelines Amendments

Proposed by: MIDA Staff

Recommendation: Staff recommends the MIDA DRC approve the proposed amendments to the MIDA MRF Standards and Guidelines as shown in the attached redline/strikeout attached to this staff report.

Background/Description:

The MIDA MRF Standards and Guidelines (the “Standards”) are the regulatory framework for MIDA to review and authorize various land uses in the portion of the MRF Project Area where MIDA functions as the land use authority. The Standards were originally adopted in 2020 and have the subject of minor revision over the last 4+ years. The amendments that are being proposed at this time are related to the MIDA Mountain Village Public Infrastructure District (the “MMV PID”) taking ownership of certain roads and streets within the MIDA land use control area.

Analysis:

The proposed amendments establish a new permit in Chapter 2 of the Standards. This is an Encroachment Permit and will govern work done within the road right of ways to be acquired by the MMV PID. Chapter 3 of the Standards is also amended to provide for a completion assurance bond for the work done pursuant to the Encroachment Permit. The specific amendments to the Standards are shown in redline/strikeout on the exhibit attached to this staff report.

RECOMMENDED ACTION:

Staff recommends the MIDA DRC approve the amendments to the MIDA MRF Standards and Guidelines.

CHAPTER 2 REVIEW PROCEDURES

- 2.01 Master Development Plan
- 2.02 Subdivision Plat
- 2.03 Site Plan
- 2.04 Conditional Use
- 2.05 Building Permit
- 2.06 Grading Permit
- 2.07 Infrastructure Improvement Permit
- 2.08 Right of Way Encroachment Permit
- ~~2.08~~2.09 Ski Facilities
- ~~2.09~~2.10 Procedural Matters
- ~~2.10~~2.11 Variances
- ~~2.11~~2.12 Approval of Non-Complying Applications

2.08 Right of Way Encroachment Permits.

- A. Administrative Approval of Encroachment Permits. The Administrative Approval of MIDA is required in connection with all work performed within the Public Right of Way, that may include but are not limited to construction, excavation, penetration or cutting of a Public Road or Street, maintenance and repair work.
- B. Encroachment Permit Application. Applicant shall submit a MIDA Encroachment Permit Application form and pay the applicable fee as established by MIDA.
- C. Encroachment Permit Submittal Requirements:
 - 1. The application must be by the person or company responsible for the work.
 - 2. Provide a Blue Stakes of Utah ticket number.
 - 3. Provide a drawing, to scale, showing the location and dimensions of the work.
 - 4. Indicate if and what asphalt is being cut, and why alternatives are not practical.
 - 5. Indicate how APWA T-patch requirements, and minimum patching requirements will be met.
 - 6. When impacting traffic provide a Traffic Control Plan in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
 - 7. Provide an Erosion Control and Re-Vegetation Plan as required.
 - 8. Provide plans for restoring soils, landscaping, and replacing disturbed shoulders as required, including with minimum 4" compacted road base.

9. Any permits from the State of Utah required, including from the Utah Division of Water Rights for FEMA floodplains and Water Quality Division permits for projects affecting over an acre.
10. Evidence of insurance as follows:
 1. Provide evidence of insurance in an amount typical of such construction projects in Utah, but not less than \$1,000,000 general commercial liability per occurrence and \$2,000,000 per aggregate, and which lists MIDA and the Mountain Village Public Infrastructure District as an additional insureds and which is required to give MIDA 30-days notice in the event of cancellation and 10 days for non-payment of premium.
 2. The required insurance coverages shall remain in effect for a minimum of the term of the work and permit.
 3. All insurance shall be licensed in Utah and have an A- or greater rating by A.M. Best.
11. Payment of applicable fees.
12. The submission of a Completion Assurance as set forth in Section 3.09 of these Standards.
13. Proof of meeting any other requirements under applicable law or under the APWA Utah Chapter.
14. The applicant, if not the property owner, shall demonstrate they have permission from the property owner.
15. Any additional information the MIDA engineering staff reasonably requests.

D. Certification of Complete MIDA Encroachment Permit Application. Upon receipt of the MIDA Encroachment Permit Application with all required data as provided herein, the MIDA Engineer shall place the application in the queue for review. If the MIDA Engineer determines that application is incomplete, the MIDA Engineer shall provide the applicant with notice that the MIDA Encroachment Permit is incomplete and identify in reasonable detail those items that the MIDA Engineer determines to be incomplete.

E. Review of Completed Application.

- a. Review of the Encroachment Permit Application the MIDA Engineer or designee. Such Reviewer(s) have fifteen (15) Working Days to review the MIDA Encroachment Permit Application and submit the Reviewers' initial report of findings for approval or a request for more information. Reviewers must include all comments to the MIDA Encroachment Permit Application in the initial report, which review shall be limited to a determination that the Encroachment with respect to which the permit is sought comply with the APWA standards and the construction and design standards set forth in

these Standards and correction of apparent engineering errors or safety concerns.

1. If required, Applicant shall complete all corrections and re-submit plans and additional documentation to the MIDA Engineer. The MIDA Engineer shall then distribute the information to the Reviewers within one (1) Working Day of receipt.
3. Reviewer(s) have ten (10) Working Days for each subsequent review of the MIDA Encroachment Permit Application and shall upon completion of each such re-review, submit the Reviewers' comments to the Applicant.
- b. MIDA Encroachment Permit approvals are Administrative Approvals under the MIDA Development Standards. The MIDA Engineer shall issue a MIDA Encroachment Permit to the Applicant within one (1) Working Day of granting final approval of the Permit. Upon receipt of an approved MIDA Encroachment Permit, the applicant may initiate the work permitted by the Permit.
- d. The MIDA Engineer shall schedule an inspection of MIDA Encroachment Permit work as soon as possible, but in any event not more than three (3) Working Days after Applicant's request. A MIDA Encroachment Permit.

~~2.08~~2.09

Ski Facilities

~~2.09~~2.10

Procedural Matters

~~2.10~~2.11

Variances

~~2.11~~2.12

Approval of Non-Complying Applications

CHAPTER 3 LAND USE REGULATIONS

- 3.01 Purpose**
- 3.02 Permitted Uses**
- 3.03 Conditional Uses**
- 3.04 Prohibited Uses**
- 3.05 Buildings/Structures and Improvements**
- 3.06 Nuisance Factors and Hazards**
- 3.07 Enforcement**
- 3.08 Infrastructure Improvements / Completion Assurance**
- 3.09 Encroachment Permit / Completion Assurance**

3.08 Infrastructure Improvements / Completion Assurance

3.09 Encroachment Permit / Completion Assurance.

- A. Completion of Encroachment Permit:** An Encroachment Completion Assurance shall be required by the MIDA Engineer prior to the approval of an Encroachment Permit. The MIDA Engineer may waive the Completion Assurance requirement for any Encroachment Permit that is being directly funded by MIDA. Encroachment Completion Assurances shall be in a principal amount of one hundred ten percent (110%) of the total estimated cost of the applicable work to be performed pursuant to the permit and shall be in favor of MIDA and/or the Mountain Village PID. The principal amount shall be determined by the MIDA as set forth below. The Encroachment Completion Assurance for MIDA Encroachment Permits shall provide for partial release thereof as portions of the required work is completed and accepted, in accordance with Section 3.09(E). The estimated cost shall be approved by the MIDA Engineer taking into account some or all of the following factors when making the estimate:
 - 1. The Applicant's engineering estimate.
 - 2. The estimate of any reviewing engineer for MIDA or the Mountain Village PID; and
 - 3. Any other relevant information.
- B. Required Time Period For Performance:** For all MIDA Encroachment Permits, the duration of the time to complete the work allowed by the Permit under the Encroachment Completion Assurance shall be reasonably determined by the MIDA Engineer depending on the size of the project, the number of phases, the climatic conditions, the soil conditions, or any other consideration reasonably related to the public health, safety or welfare. All MIDA Encroachment Permit work must be completed by the date set in the Encroachment Completion Assurance unless the time for performance is extended as provided in subsection F.
- C. Inspection Standards:** Before any required Encroachment Permit work is accepted by MIDA and/or the Mountain Village PID, the work shall be inspected. The

inspection of the Encroachment Permit work shall be conducted by MIDA to ensure compliance with the standards applicable to the work.

- D. Inspection Notice:** A representative of MIDA who will be inspecting the Encroachment Permit work may, from time to time, enter onto the worksite to inspect or cause the Encroachment Permit works to be inspected. Such representative shall endeavor to provide the Applicant with advance notification and the opportunity to be present for such inspection. The Applicant shall provide at least twenty-four (24) hours prior to final inspection.
- E. Partial Release of Encroachment Completion Assurance:** For all MIDA Encroachment Permits, MIDA may approve partial releases of the Encroachment Permit Completion Assurance prior to final release, if requested by the Applicant; provided, however, that such requests shall be made only with respect to fully completed components of the applicable MIDA Encroachment Permit work. Each release must be approved by the MIDA Engineer. The releases approved by MIDA shall not exceed the percentage of work completed and, at no time prior to final acceptance of the MIDA Encroachment Permit work, may the total amount of the Encroachment Permit Completion Assurance be allowed to be reduced below one hundred ten percent (110%) of MIDA's estimate of the cost of the incomplete Encroachment Permit work. The Applicant shall not request more than one release per every 30 days.
- F. Failure of Performance, Extension of Time:** For MIDA Encroachment Permit work, in the event that any performance required by an Encroachment Completion Assurance is not completed within the time period allowed for under the Encroachment Permit Completion Assurance, the Applicant may apply to MIDA for an extension of time in which to complete the required performance. Up to a 90 (ninety) day extension of time may be granted by the MIDA Engineer upon application and upon a showing of good cause and diligent effort by the Applicant to complete the required Encroachment Permit work within the required period, provided such Application is submitted at least sixty (60) days prior to the expiration of the Encroachment Permit Completion Assurance, and the issuer of the Encroachment Permit Completion Assurance is willing to extend the time. The Encroachment Permit Completion Assurance amount shall be increased ten percent (10%) for each cumulative 90 (ninety) day extension granted by MIDA. If at the end of the Encroachment Permit Completion Assurance term, the MIDA Engineer determines that the required MIDA Encroachment Permit work has not been completed according to inspection standards, MIDA in its sole discretion may draw upon any part of the MIDA Encroachment Permit Completion Assurance which is necessary to complete the promised performance or to repair any inadequate performance and proceed with work to bring the performance up to the applicable standards.
- G. Encroachment Warranty Period:** For MIDA Encroachment Permit work, upon completion, final inspection, and acceptance of the required MIDA Encroachment Permit work the Encroachment Permit Warranty Period shall begin to run.

1. Prior to the warranty period beginning the Applicant shall post a cash deposit, surety bond, letter of credit, or other similar security acceptable to MIDA, in the amount of 10% of the lesser of the:
 - a. Engineer's original estimated cost of completion; or
 - b. Applicant's reasonable proven cost of completion.
2. Such security shall be released to Applicant upon expiration of the Encroachment Warranty Period. The Encroachment Warranty Period shall be 1 year from date of initiation, unless there are special circumstances identified in writing 6 months prior to expiration by the MIDA Engineer indicating a longer warranty period is warranted. In no case shall the warranty period be longer than 2 years.

H. No Third-Party Rights: Each Encroachment Permit Completion Assurance and Encroachment Warranty for MIDA Encroachment Permit work are between MIDA, the Applicant (together with its lenders, guarantors, and affiliates, as applicable), and the issuing financial institution, if applicable. No other party, including without limitation, owners of individual units or lots, shall be deemed a third-party beneficiary thereof, and shall not have any rights under this section or any Encroachment Completion Assurance or Encroachment Warranty and shall have no right to bring any action as a third-party beneficiary or otherwise. Notwithstanding the foregoing, the Mountain Village PID shall be a third-party beneficiary of any applicable Encroachment Permit Completion Assurance and Encroachment Warranty for a Public Right of Way owned or dedicated to the Mountain Village PID and shall have all rights and remedies available to it thereunder.